

REMARKS

The Office Action dated July 16, 2007 is acknowledged. Applicants request examination of the above-referenced application in view of the foregoing amendments and the following remarks. Also, Applicants request that the Examiner confirm, by supplying to Applicants an additional initialed 1449, that reference A06 (WO 2004/004720) has been considered (the "/Y.C./" in the 1449 stops at A05).

I. Objection to the Specification

A first paragraph has been added setting forth the priority information.

II. Status of Claims

By this Amendment, claim 33 has been amended. Claims 1-32 have been withdrawn by the Examiner. New claims 34-37 have been added which find support, for example, on pages 61-62, 71-73, and 75-76 of the specification. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

III. Rejections

A. Rejection under 35 U.S.C. § 112

Claim 33 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is overcome by the amendments herein to claim 33.

B. Prior Art Rejections

Rejection under 35 U.S.C. § 102

Claim 33 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,656,183 to Böger *et al.*

Applicants have amended claim 33 to recite "wherein when Ar² is a pyridinyl residue the pyridinyl residue is bonded to X in the 3- or 4- position relative to the N of the pyridinyl residue" which finds support, for example on page 73, line 10-15 of the specification.

The Examiner refers to the US 4,656,183 reference ("Böger" or "the '183 reference") with regard to compound 35 in columns 17-18, compound 6 in columns 11-12 and other compounds listed in columns 9-28. Applicants note, however, that these compounds

described in the '183 reference are limited to the N atom of the pyridine in the ortho position in relation to the O bridge.

Accordingly, applicants submit that claim 33 is not anticipated by the Böger reference. Therefore, reconsideration and withdrawal of the prior art rejections is respectfully requested.

C. Double Patenting

Applicants respectfully request that Examiner hold the provisional obviousness-type double patenting rejection in abeyance until at least one claim is allowable.

D. Claim Objection

Applicants note that upon a finding that the elected species is allowable, the Examiner is required to search additional species and that method claims that depend from allowable product claims are subject to rejoinder by the applicant.

Conclusion

In view of the above amendments and remarks, early notification of a favorable consideration is respectfully requested.

Applicants believe that no fees are due in connection with this submission, however, if any fees are necessary, please charge Deposit Account No. 50-3380, referencing Attorney Docket No. 978725.3.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380, referencing Attorney Docket No. 978725.3.

Respectfully submitted,



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